

BURLINGTON CITY COUNCIL REGULAR SESSION FEBRUARY 5, 2014

City of Burlington Governing Body met in Regular Session at City Hall, 301 Neosho Street, Burlington, Kansas at 6:00 p.m. Wednesday, February 5, 2014. Mayor Gene L. Merry called the meeting to order.

ROLL CALL: ☒ Mayor Gene L. Merry

Council Members present:

☒ William C. Scott (President of Council)

☒ Jane M. Griffith

☒ Lewis Lenard

☒ R. Standley Luke (Stan)

☒ Forrest T. Rhodes

☒ Jerilyn Curtiss

Superintendents Present: ☒ Kevin Boyce (Parks) ☒ Alan Schneider (Electric)

☒ Doug Jones (Chief of Police)

☐ Doug Mast (Street)

☒ Danny Hawkins (Water/Wastewater)

Also Present: ☒ Regina Kewley (City Clerk)

☒ Jimmy Hugunin (Zoning & Grants Clerk)

☒ Thomas F. Robrahn (City Attorney)

☒ Susan Stroh (Administrative Assistant)

☐ Dennis Roth (City Attorney)

Media Present: Mark Petterson (Coffey County Republican)

VISITORS: Vicki Wolford

AGENDA: *Council Member Curtiss, "I move to approve the agenda as amended." Council Member Griffith, "I second the motion." Motion unanimously carried.*

MINUTES: January 15, 2014: *Council Member Luke, "I move to accept the Draft Minutes of Council's regular session of January 15, 2014 as presented." Council Member Curtiss, "Second." Motion unanimously carried.*

PUBLIC COMMENT: None

APPOINTMENT: Vicki Wolford, County Fair Board: Spring Carnival and Demo Derby in Kelley Park

Vicki Wolford, on behalf of the Coffey County Fair Board, said they want to see if they can have use of Kelley Park from April 16 through 19. They have a carnival that was here last year in June and wants to come back in the April this coming spring. Also, the sponsor of the spring Demolition Derby is also going to have a derby in Burlington that same weekend. So, the Fair Board would like to do both events during that timeframe in hopes it will help increase attendance.

Council Member Curtiss said she visited with Scot Jeffers, USD #244 Recreation Commission, about the demo derby. Concerning the problem he had with the bleachers on the south side not being moved, he would like to not even have those bleachers up. Ms. Wolford said, "I had talked with Scot several weeks ago, and the Fair Board President also talked to him more recently. . Scot expressed concerns that they would be having practice (sports) during that timeframe, so we agreed we would not put any bleachers on the south side. If we miraculous happen and we fill the grandstands, we agreed we would carry by hand some of the smaller bleachers onto the south side of the concrete." Council Member Curtiss, "And he was receptive to that? When I visited with him he said he didn't want anything over there." Ms. Wolford explained the problem last year occurred because the Fair Board doesn't have equipment to move the heavy bleachers, so they had to be dragged, so because it was wet, damage to the grass area occurred and it needed reseeded and fixed for playing ball.

Council Member Curtiss stated, "Scot said he spent about fifteen hours of his own time tilling and seeding that area. He wants to make sure that if that happens again, the Fair Board will reimburse him for his time, seed, use of the equipment, and everything involved." Ms. Wolford stated, "We actually last year gave him a check to compensate him – he wouldn't accept it." Council Member Curtiss, "And I said, 'Do you want me to make sure they're in that understanding?' He said he did; he would like that." Ms. Wolford, "What I understood from when our Board President talked to him more recently than I have, is that's the agreement they came to. If there is seeding that needs to be done, because we do not have the equipment to do it, we would give him cash to reimburse him for expenses. That's the plan." Council Member Curtiss, "Okay. You know those are the concerns I had after visiting with Scot, and I wanted to be sure I brought them up with you."

Ms. Wolford, "We did have a big problem with getting the bleachers moved last year because it rained and we had trouble getting it coordinated for Skillman and everybody to come and get them moved." Parks Superintendent Boyce stated, "As far as the demolition derby area, to put the bleachers in we could come straight north of the rodeo arena, and then we can get them in. We will try to keep the big equipment off of the grass. When we're done with the derby, we can drag the bleachers right through the derby area and let them sit until it dries out, then move them back. That would be fine with me." Ms. Wolford, "Okay." Council Member Curtiss, "So, this will work with what Scot wants, too?" She was assured it would.

(continued)

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Ms. Wolford commented they were not asking to use the public buildings. **Council Member Curtiss stated, “I move approve the Coffey County Fair Board’s request for use of Kelley Park from April 16 through 19, 2014 for a carnival and a demolition derby.”** Ms. Wolford commented there may be a parking issue on Saturday if they have a huge turnout. Superintendent Boyce commented that if Kelley Hall was rented, that may cause a parking issue. **Council Member Griffith, “I will second.”** Superintendent Boyce suggested Kelley Hall be marked out from April 16 through the 20th to allow for cleanup. **Hearing no further discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried.** Ms. Wolford thanked everyone and left. City Clerk Kewley and Superintendent Boyce decided to mark the Park Building Rental Book to show Kelley Hall, Grandstands, and Derby area to be used from April 16 through 20 to give additional time for cleanup, etc.

ELECTRIC DEPARTMENT: Distribution Updates

General: Electric personnel are doing normal duties: work orders, locates, customer service requests, etc. With the winter weather, they have been doing quite a bit of equipment maintenance. They did a service install.

LED Street Lights: Superintendent Schneider reported that electric personnel worked on street lights. From 13th Street to 16th Street on Neosho, they put in some new LED lights that match the ones in the downtown. He said there is still debate on whether they are going to serve us the way we need them to, but the price of them decreasing. He hopes that eventually we can start switching street lighting out as well and save more money. The lights that were taken down will be used for replacement bulbs in other situations

AMI Project – meters: Personnel are still installing some electric meters.

Capitol Day: Superintendent Schneider attended KMU Day at the Capitol, and thought it was a good conference.

KPP: Superintendent Schneider has been working with two other Kansas Power Pool members to get recommendations for nominees to fill a vacated position on the KPP Board of Directors. He also attended a KPP power supply meeting on the 30th of January about future power supply needs for the Kansas Power Pool.

Kansas Power Pool Magazine: Council Member Luke stated, “When you read your issue of the Public Power, the KPP is a joint action agency. It’s a pretty good article about what agencies do for those that are part of the organization.”

ELECTRIC DEPARTMENT: Personnel - Apprentice Linemen Advancement

Superintendent Schneider reported, “We have Apprentice Linemen who have completed their final testing for the year and are ready to advance in the Apprenticeship Program. J. J. Jasper and Andy Lawrence are ready to advance to Fourth-Year Apprentice from Third-Year. Thomas Hess and Eric Gifford are ready to advance to Third Year Apprentice from Second-Year. All of the gentlemen did really well this year. Salary changes are in the prepared motions. I ask that you approve their advancements.

Advancement from Third Year Apprentice Lineman to Fourth Year Apprentice Lineman

Jonathon Jasper: Council Member Luke stated, “I make a motion to move Jonathon Jasper from Third Year Apprentice Lineman to Fourth Year Apprentice Lineman at the entry level hourly rate of \$18.84.” Council Member Lenard stated, “Second.” Hearing no discussion on the motion, Mayor Merry called for a vote. **Motion unanimously carried.**

Andrew Lawrence: Council Member Luke stated, “I make a motion to move Andrew Lawrence from Third Year Apprentice Lineman to Fourth Year Apprentice Lineman at the entry level hourly rate of \$18.84.” Council Member Lenard stated, “Second.” Hearing no discussion on the motion, Mayor Merry called for a vote. **Motion unanimously carried.**

Advancement from Second Year Apprentice Lineman to Third Year Apprentice Lineman

Thomas Hess: Council Member Luke stated, “I make a motion to move Thomas Hess from Second Year Apprentice Lineman to Third Year Apprentice Lineman at the entry level hourly rate of \$17.79.” Council Member Lenard stated, “Second.” Hearing no discussion on the motion, Mayor Merry called for a vote. **Motion unanimously carried.**

Eric Gifford: Council Member Luke stated, “I make a motion to move Eric Gifford from Second Year Apprentice Lineman to Third Year Apprentice Lineman at the entry level hourly rate of \$17.79.” Council Member Lenard stated, “Second.” Hearing no discussion on the motion, Mayor Merry called for a vote. **Motion unanimously carried.**

ELECTRIC DEPARTMENT: Power Plant/Production Update

General: Power Plant personnel have been performing normal duties and working on quarterly reports.

Power Plant Maintenance: Superintendent Schneider reported personnel are doing maintenance inside the Power Plant. He said, “One project they have been working is the original office in the old part of the Power Plant and have changed it into a fuel injector repair room. In the past they just did the repairs on a workbench, which due to the dust, it is not sanitary; so they made the room to do the repairs in.

WATER DEPARTMENT: Update

Water Leaks: Superintendent Hawkins reported personnel have been repairing a few water leaks. The biggest one was at 4th and Neosho. They began digging on that, but couldn’t find it right away because where the bridge came out previously, the gravel was washing up under there. So, they called Tony with Kansas Rural Water to use ultrasound to tell us exactly where the leak was. He came in the following Monday, pin-pointed the leak; and the Water Department was able to get it dug out and get it fixed in a few hours.

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East/Gray Water Tower Repair update: Superintendent Hawkins reported, “The East Water Tower is still down. I’ve been keeping the Water Committee updated with the situation. Obviously with the weather we’re having right now, we’re not sure of all the damages. We do know we need to replace the frost/freeze jacket on the outside of the standpipe, because when water infiltrated it, it was ruined. Cunningham Sandblasting & Painting, Inc. will come in shortly to take that freeze jacket off – weather dependent. They had to come and defrost all the ice that was in the tank so they can come in and do an analysis of what the actual damage is. We have been talking with insurance companies. I talked with the adjuster, as well.”

Automated Meter Infrastructure: Superintendent Hawkins stated, “We have all our water modules back now, and the guys installed them this week on the new body heads; so weather dependent, Wes Payne of Landis+Gyr will fly in from Pennsylvania during the week of the 17th of this month. He will bring a team of guys to start doing maps; and we will start getting caught up because we are behind in everything. They will help pull more and more meters out.

Consumer Confidence Report: Superintendent Hawkins reported that the Annual Consumer Confidence Report, which we call our Water Quality Report, has been received from KDHE. Our 2013 CCR/WQR, which covers water produced in 2012, has already been sent to our customer Rural Water Districts and cities. As required by KDHE, we will make mass distribution of the report before the 1st of July by inserting it in utility billing envelopes along with the utility bills.

WATER/WASTEWATER DEPARTMENT: Water Plant Update

Record Keeping: Superintendent Hawkins stated, “I have been working on the filing and on finishing up reports on the Water Treatment Plant itself in preparation of our annual inspection from KDHE.”

General: Superintendent Hawkins reported, “Personnel have been doing general maintenance around the Water Plant. In the month of January, they pumped 17,058,000 gallons of water, giving an average daily of 550,258 gallons. That’s still on one tower (West Water Tower), so we’ve done well with the tower. We’ve not accumulated any overtime with the East Tower being down, so to our good credit as far as one tower being down.”

WATER/WASTEWATER DEPARTMENT: Equipment - Sewer Jet Machine - Bids

Superintendent Hawkins informed Council that bids for equipment (Sewer Machine, Backhoe, and Dump Truck) were opened on January 31. Four bids for the Trailer-Mounted High-Pressure Jet Machine were received. We got a one-sheet fax from Baker Equipment, but with not information. Also received were a bid from Mayer Equipment, and two bids from Key Equipment. Superintendent Hawkins explained, “One of the things we took into consideration was the sound and impression of the neighborhood – it’s something that we won’t pull into a neighborhood and light the whole neighborhood up too brightly, and that was a good selling piece. We did a comparison of the Mayer Equipment bid and the Key Equipment bid for the Model 747, because they exceeded. They both went with the bids, but they exceeded and we wanted to show the extra information.” He stated, “My recommendation would be to have these bids accepted as bona fide, and to purchase the Key Equipment & Supply’s Model 747 FR2000, as being in the best interest of the City.”

	Baker Equipment (Edmond, OK.)	Mayer Equipment Co. (Goddard, KS O’Brien 7040-SC	Key Equipment & Supply Co. (Kansas City, KS.) Model 747-FR2000	Key Equipment & Supply Co. (Kansas City, KS.) Model 545
TOTAL List Price	\$47,815.00	\$65,053.00	\$63,900.00	\$53,700.00
LESS DISCOUNT		\$10,426.00		
TOTAL BID(no tax)	\$47,815.00	\$54,627.00	\$63,900.00	\$53,700.00
Delivery Date	90-120 days	90 days	30 days	60 days
EXCEEDED BID		85 Hp Cummins Diesel 400’ ¾” hose installed. 750’ capacity 90 day delivery	0. Enclosed engine compartment for sound suppression 1. Caterpillar Diesel 91HP engine w/safety auto shutdown 2. 600’ ¾” hose installed. 800’ reel capacity 3. 30 day delivery	

Council Member Lenard stated, “I move to accept the bids presented for a Trailer-Mounted High-Pressure Jet Machine as bona fide.” Council Member Curtiss, “Second.” Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried. (continued)

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Council Member Lenard stated, “I move to accept the total bid of \$63,900.00 from Key Equipment & Supply Company for a Trailer-Mounted High-Pressure Jet Machine, Model 747-FR2000, as presented, to be delivered ready to drive within 30 days.” Council Member Luke, “Second.” Mayor Merry called for discussion. Council Member Scott asked if we were comparing apples to apples. Superintendent Hawkins explained, “Yes. As far as the overall, I know it looks like a big difference of \$9,000; but the one is a showroom and is a demo version, but it has four good options. The other, if you purchased the options, it would be roughly around \$8,900 for those options. We tried that one.” **Hearing no further discussion, Mayor Merry called for a vote. Motion unanimously carried.**

WATER/WASTEWATER DEPARTMENT: Equipment - Backhoe - Bids

Superintendent Hawkins explained that although invitations to bid were sent to Foley Equipment, John Deere, and Victor L. Phillips, we only received one bid for the Backhoe. Foley Equipment Caterpillar Dealer’s bid was not received on time because the secretary forgot to mail it. He read the bid from Victor L. Phillips Company. He requested Council accept the bid as bona fide, and to be accepted as presented.

Victor L. Phillips Company (Topeka, Kansas)

TOTAL LIST PRICE	\$156,302.00
LESS DISCOUNT	69,937.00
	\$86,365.00
PLUS WARRANTY: 5 YEAR/4000 Hour Premier; Extended Warranty; Zero Deductible	Government Price: 4,470.00
	TOTAL with Warranty \$90,835.00
PLUS OPTIONAL EQUIPMENT OKADA ORV800 Breaker: Includes Hose, Quick Couplers and Bit to fit a 580SK Loader Backhoe)	Government Price: 8,681.00
TOTAL w/Warranty & Optional Equipment	\$99,516.00
DELIVERY DATE	90 days

Council Member Lenard stated, “I move to accept the bid presented for Backhoe as bona fide.” Council Member Luke, “Second.” Mayor Merry called for discussion on the motion. City Clerk Kewley stated, “The gentleman was here from Foley Equipment, and said they wouldn’t have used that bid anyway.” Superintendent Hawkins agreed, “I asked Brock while he was here, what their bid was, and he said it was right at \$104,000. So, we were able to buy the backhoe, the breaker and get a five-year extended warranty for less than the next competitive bid; so we’ve done well.” **Hearing no further discussion Mayor Merry called for a vote. Motion unanimously carried.**

Council Member Lenard stated, “I move to accept the total bid of \$99,516.00 from Victor L. Phillips Company for a new Case 580SN Tier IV Backhoe, with a five year warranty, an extended warranty with zero deductible, and an OKADA ORV800 Breaker and accessories; and to be delivered within ninety days.” Council Member Luke, “Second.” **Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried.**

WATER/WASTEWATER DEPARTMENT: Equipment - Dump Truck with Bed & Hoist- Bids

Superintendent Hawkins requested the bids for the Dump Truck with Bed and Hoist be accepted as bona fide.

	Olathe Ford Sales, Inc. (Olathe, KS.)	Laird Noller Ford, Inc. (Topeka, KS)	Crow-Moddie Ford (Burlington, KS.)
TOTAL LIST PRICE	\$51,690.00	No bid	\$44,864.00
LESS TRADE-IN			
LESS DISCOUNT, if any			
PLUS OPTIONAL EQUIPMENT---BED	(included in bid)		\$10,055.00
TOTAL BID (not including tax)	\$51,690.00	n/a	\$54,919.00
WARRANTY			
DELIVERY DATE	10 to 12 weeks Truck ready to drive end of April		Truck Built 3/17/14 Delivered in 8-14 weeks Bed Installed: 2-6 weeks later (Truck ready to drive mid-July.

Council Member Lenard stated, “I move to accept the bid presented for a Ford F550 4X4 with Dump Bed and Hoist as bona fide.” Council Member Luke, “Second.” **Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried.**

Superintendent Hawkins explained, “We did bid this particular truck out to three companies: Olathe Ford Sales, Laird Noller Ford, and Crow-Moddie Ford. We did not receive a bid from Laird Noller Ford. The difference of the bids from Olathe Ford and Crow-Moddie Ford is roughly \$5.87\$. We’ve been discussing this as a committee (Water & Wastewater Committee). Both trucks are the same. Both are 2015 Ford F550 4X4 with dump bed and hoist. The cut-off date of March 17, 2014 is when Ford will actually begin building the new 2015 model.” (continued)

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Council Member Lenard explained, "We (the Water & Wastewater Committee) already met and made the recommendation; however, it was based on schedule of delivery; and there is more information that we believe we need to gain before making a decision." ***Council Member Lenard stated, "I move to allow the Water & Wastewater Committee the authority to purchase a Ford F550 4X4 with Dump Bed & Hoist, based on a potential improvement of delivery schedule. Purchase will not exceed \$54,919.00, which is within budget." Council Member Curtiss, "I second the motion." Mayor Merry called for discussion on the motion.*** Council Member Luke asked about sales tax. City Clerk Kewley said that the Water and Wastewater Department is tax-exempt; only the Electric Department is taxed. Council Member Scott asked if there was an issue with delivery. Council Member Lenard explained that there is a ten-week variance between the two proposals. Ten weeks for a crew needing to get out and replace water lines is a long time. They could use the Parks Department truck, when the Parks didn't need it. So, if we can improve the delivery schedule, that's what we need to try to do. ***Hearing no discussion on the motion, Mayor Merry called for a vote. Motion unanimously carried.***

STREET DEPARTMENT: Street Sweeper Repair - Update

(Background: 10/2/2013 Tenant, the company we purchased it from, did some repairs. 12/4/2013 The company in Emporia that was going to repair the street sweeper called to say it was too big of a project for them; so Street personnel brought it back and another company will come to work on it.)

Superintendent Mast stated, "Before the ice and snow, we used the street sweeper to clean the street curbs and gutters, and clean the drain boxes out. After that we had the gentleman down to put on the new parts. He said he could fix it and put on the new parts. We're back to square one with the same problem we've had from the start – once we turn on all the lights and the air conditioner, the street sweeper dies again. So, we are no further along than we were before. We've had some discussions with his supervisor; and it sounds like we're going to get most, if not all, of everything we done (paid for) taken off of our future bill whenever they fix the street sweeper. He has ordered some more parts to use in the computer part of the machine. Those parts are not cheap; we're probably looking at somewhere around \$3,000 to \$4,000. We're still working on getting it repaired. We may have it done by the end of this year; we may not."

Mayor Merry asked, "How many hours does the machine have on it?" Superintendent Mast replied, "It has very low hours. About 1,400 hours for a machine that is well over ten years old. That's what I told the mechanic when he came in to my office, threw his hands up, and said 'I don't know what to do'; and I said, 'Look, you're talking about a machine that is housed inside non-stop and cleaned every time we use it. It's low hours. We can't be the only people that have ever had this problem. You need to get on your phone to some of your other technicians in other parts of the country.' The biggest problem he's got is that there are only two of these machines in the State of Kansas; so he doesn't work on them very often. I told him that when we bought this machine, one of the people we called was Washington D.C. – they had bought thirty-five of these street sweepers all at once. I said 'You need to get a hold of some of these other people that have had these machines, and had them for a length of time, and figure out what's going on.' The only problem they had in Washington D.C. was doing their 40s. By their 40s, they meant they clean up the alleys with the street sweepers."

Superintendent Mast said, "Anyway, we're in hopes we can get it straightened out. It's been a very long drawn out process. I'm not holding my breath because this is the fourth time we've had these people work on it." Council Member Curtiss asked if they would give us a trade-in amount for it. Superintendent Mast said there was not nearly enough money in the budget to be trading it; and that when we bought this, it was about a quarter of a million dollars – now it would probably be \$325,000 to \$350,000.

STREET DEPARTMENT: Kennedy Street and 14th Street– Repairs to both streets needed

Superintendent Mast informed Council, "We have some issues with Kennedy Street and with 14th Street. We rebuilt these two streets. Actually, we hired Skillman Construction to rebuild Kennedy Street. In 2012, we put a double chip-seal on them. All of a sudden, they've started blowing up on us and we're having major potholes and problems within the roadway. At this point, we're not exactly sure what the problem is. We've taken some samples from the materials and have taken those samples to Coffey County Road & Bridge. They will do some testing on the AB-3 samples. I did get a report back from Tim Austin yesterday that the first sample he did showed an awful lot of dirt in the materials, which is not a positive, but he still had more tests to do. When we get the results back, we'll get with our engineer (Bowers Civil Engineering) to find out what our process will be to fix this. We've sunk an awful lot of money into these roads to have them fail so quickly."

Council Member Griffith asked, "Is that the chip and seal you are talking about?" Superintendent Mast explained, "Not the chip and seal; the base rock underneath of it. We had to take the chip and seal off the top of it; and then dig down eight to ten inches into the base rock. On that road, we've got a foot of AB-3 on top of tensor, which is a geo grid that is supposed to help stabilize the road and take the pressure from vehicle tires and spread it throughout the road versus being in just one spot. We took those samples from the rock, have them tested, and move on from there." (continued)

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Superintendent Mast stated, "We're going to have to do something to those roads no matter what next year. We put some money back in the budget to try. When we find out, I will let you know what we find out."

Council Member Lenard inquired, "The road repair will happen this year, or in 2015?" Superintendent Mast replied, "Ahead, we will have to do something with it. I think part of what we're having problems with is our freeze/thaw cycles are happening so fast; and more frequently we've had these areas where it's down to -15° and within three to four days we've got 65° weather. When we've gotten that 65° weather, the snow and ice starts getting mushy; and we're seeing the chip-seal falling apart. You can see it in one day, get bigger and bigger. We're going to have to do something, but I don't know what yet."

STREET DEPARTMENT: Update

Snow & Ice Removal: Street personnel have been preparing for and taking care of snow and ice control and keeping the equipment maintained and ready. Superintendent Mast stated, "I think the guys did a really good job in this last storm, especially. Snow is so much easier to deal with than ice is. The ice we've had the last couple of times is a bear."

POLICE DEPARTMENT: Update

General: Chief Jones reported they have also been dealing for weather and having meetings preparing for it.

Vacancy – update: Interviews that were scheduled for the vacant Police Officer position were had to be rescheduled due to the winter weather, and have been rescheduled for next week. Sixteen applications were received, seven of the applicants were certified officers, and after the background checks, the Police Committee has narrowed it down the top four certified candidates.

Cases handled: Burlington Police Department handled a child in need of care case which required removing children from the home due to living conditions. They handled an unattended death last week. Other than those, it has been a normal run of calls.

Animal Control Truck: Chief Jones stated, "Last meeting, Council gave permission to get a replacement for the Animal Control truck, not to exceed \$16,000. We found a 2011 Chevrolet through Crow-Moddie Ford. It has 87,000 miles on it, but it is 19 years newer than what we did have. They gave us trade-in on the 2007 Patrol Car and on the 1992 Chevy truck, and the Street Department was very enthusiastic about getting a Tommy Lift off of the old dog truck. We were able to get Jessica (Animal Control Officer Stice) into a 2011 truck for \$2,700 off the list price; and purchase for the total cost of \$10,256."

PARKS DEPARTMENT: Update

General: Parks Superintendent Boyce reported personnel have been doing normal duties, including cleaning public buildings and restrooms. They have been doing snow and ice removal, which for the ice usually means putting salt down to melt it. They are doing some removal of dead trees and brush at the City Dam.

Training: Superintendent Boyce attended the Dig Safe training classes on the 21st of January.

PARKS DEPARTMENT: City Dam Rock Wall Repair/Removal (update)

Parks Superintendent Boyce reported, "Concerning the City Dam retaining wall, I attended the legal permitting class, which is part of the Road Scholar Program; and it fell right in with this City Dam project. As far as the information I handed out, I am not suggesting we sign on it because the permits and things we will need to have will be a six-month process. I would just as soon get that started. It's all new to me; and I'd like to get that started (permitting, etc.). Even if we don't go with Bartlett & West Engineering, get another engineering firm to look at it and give advice. I just want Council approval whether we're going to move forward with it or not – either way."

He continued, "I sent an email out with a picture of the City Dam wall showing the area we're are talking about rebuilding." [An explanation of the City Dam Wall Repairs is printed on the picture, and states, 'Between the black lines on the picture, remove rocks and replace the cement wall, and put a drain in for the Old Mill Water Way. Put an 8 foot to 10 foot sidewalk along the top of the wall the full length of the wall, and cement stair step the slope from the west edge of the sidewalk up to the guard rail the length of the wall.']

Council Member Lenard, "I would make this comment regarding Bartlett & West. They served the City pretty well regarding the water treatment and everything else (sewer projects), so I would have no problem with them on this." Superintendent Boyce, "At the time I visited with my committee (Parks Committee) extensively. The Committee said let's get an engineer to look at it, and they were still in town, so that's why I chose them then." Council Member Curtiss said, "But their timeframe now, does not correspond with what you're proposing to do after you went to this training (the permitting class), right?" Superintendent Boyce agreed. Council Member Curtiss, "Do you need a motion, or do we just need to decide to let you go forward with what you learned at that training. Council Member Lenard, "Are you just wanting to get a proposal from Bartlett & West?" Superintendent Boyce, replied, "Yes. I have one, but that timeframe different now; and with these permits and everything I need to have....." Council Member Curtiss said, "That timeframe Bartlett & West gave us will not correspond with the timeframe you found out you need now."

Mayor Merry, "The trees (two large Cottonwoods) don't come out up above – you're just taking from that black line on to the south?" Superintendent Boyce, "Yes, those trees will stay there." Mayor Merry, "I still think you're going to have a heck of a time with a contractor. They'd probably have to talk with somebody who is 70 to 80 years old. They threw everything that was possible to in there so they could walk across to fish on the other

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side. There's wooden stuff in there. I don't think they're going to approve a contractor bid because there are so many unknowns of what they're going to get into." Superintendent Boyce, "Part of that Bartlett & West deal is they're doing core sampling on the back side. How they're going to get in there, I don't know. They tell me they can get a truck in there, but I said they can't." Mayor Merry, "I think it would be tough even doing a core sample with all the junk that was put in there."

Mayor Merry asked, "We really need to get a ball park figure of what the total project is going to cost. In order to do that, you're going to need to have some type of engineering. I don't have a problem – Bartlett & West do a lot of engineering on water and sewer, but there are a lot of civil engineers who can design a wall." Superintendent Boyce, "Once we get the walls in on the west side of the wall where the little short stairs come back out of an 8 or 10 foot sidewalk the length of that wall, and then stair-step all the way up to the guard rail with concrete to make a solid surface. The wash out you see there now is from 1998 when it was flooded and water came over from where those two large cottonwoods trees are; and that's what took all that out. As far as the wall, it will extend up above the walkway and act as a railing." Mayor Merry, "It will be a lot safer. Then we've got the walkway down so they can get down to the water." Superintendent Boyce added, "We're as far north for snagging a Spoonbill in Kansas, as far as I know; and that's basically where they do it – on top of that wall."

Council Member Scott suggested the Parks Committee get together and come back to Council with more information and maybe a recommendation. Mayor Merry commented that it would be nice to know the price range.

PARKS DEPARTMENT: Equipment - Snow Blower replaced

Superintendent Boyce stated, "Due to the snowstorm yesterday, before we left the shop we started the snow blower, hooked it on the trailer and let it run. We headed to the downtown, and it was not running when we got downtown, and it wouldn't start again. I called Honda (Coffey County Honda in New Strawn) to purchase a replacement. They delivered it while we were doing other work. We were then able to use it when we needed it."

PARKS DEPARTMENT: Vicki Wolford, Coffey County Fair Board – Kelley Park Lease Agreement

City Clerk Kewley referred to the Coffey County Agriculture Fair Association Lease Extension and their Kelley Park Use Schedule. They use the park throughout the year and for two weeks for the Fair. This year they will have all the park facilities from July 7th through July 30th, with the actual County Fair dates being the 23rd through 27th of July. The Fair Board also included a list of meeting dates for which they are reserving the 4-H Building between 6:30 p.m. and 9:00 p.m.

Council Member Curtiss stated, "I move to grant a one-year extension to the Coffey County Agriculture Fair Association for the use of Kelley Park in from July 7th through July 30th, with the addition of the scheduled Pre-fair and Post-fair events listed for April and May." Council Member Griffith, "Second." Hearing no discussion, Mayor Merry called for a vote. Motion unanimously carried.

FINANCE: Claims Ordinance & Payroll Ordinance

a.	Claims Ordinance	2014-02	\$267,727.05
b.	Payroll Ordinance	2014-03	\$ 72,756.85
	TOTAL		\$340,483.90

CLAIMS 2014-02: *Council Member Luke, "I move City of Burlington pay Claims Ordinance 2014-02 in the amount of \$267,727.05 for payment of city bills." Council Member Scott, "Second." Mayor Merry called for discussion. City Clerk Kewley explained some larger items, "Tonight we are paying Kansas Power Pool \$188,919.78; and Crow-Moddie Ford for the Animal Control Truck for \$10,256." Hearing no further discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. All votes were in favor. Mayor Merry declared Claims Ordinance 2014-02 unanimously approved.*

PAYROLL 2014-03: *Council Member Scott stated, "I move City of Burlington pay Payroll Ordinance 2014-03 in the amount of \$72,756.85." Council Member Rhodes, "Second." Hearing no discussion, Mayor Merry directed City Clerk Kewley to poll Council for a vote. Motion unanimously carried. Mayor Merry declared Payroll Ordinance 2014-03 unanimously approved.*

PLANNING & ZONING: Update

General: Zoning Clerk Hugunin reported he is continuing to input data into the inventory spreadsheets for all the departments. He has been updating the permit log, Facebook, and the City's webpage.

City Hall Computer Issues: Zoning Clerk Hugunin has been working to resolve computer issues at City Hall and has visited with Chief Jones about it. City Hall currently has Windows 7 downgrade to XP, and the issues we are having may be due to the fact that Microsoft is discontinuing support to Windows XP in April of this year. We have had issues since installing the last updates. He said City Hall is looking into upgrading the computers and server and upgrading the software, including Windows 7. The server and computers are over three years old."

[6] CONTINUATION: February 19, 2014 Burlington City Council Meeting

New Construction: Several people who are interested in building new houses.

Nuisance Structures and Properties: Council Member Griffith asked about zoning on neglected/nuisance houses, “Are you in charge of that? What are our rules on them?” Zoning Clerk Hugunin said he has not done any of that since he was hired as Zoning Clerk; that responsibility was turned over to the Police Department several years ago. Council Member Griffith asked Chief Jones, “You know that guy still has the car on blocks? There’s quite a few.” Chief Jones, “Yes. We are having trouble catching up with people sometimes. We’ve had several of our frequent flyers we have been dealing with. We often slow down enforcement this time of year just because of the weather conditions. We’ve had some success with people being told flat out ‘You will get a ticket next time.’”

Council Member Griffith, “What is our alternative? Do we fine them?” Chief Jones, “If they don’t abate the nuisance to our satisfaction, we issue a written notice first because that’s how the city ordinances are written. They can request an administrative hearing and they can request to come to the council meeting and plead their case. If they go past that and don’t request a hearing, or if they do request it and lose the hearing, we can then issue a ticket and a notice of hearing to appear in court. Then they get to go in front of Judge James Campbell and explain to him why they got a ticket; and he tells them how it’s going to work and what they need to do. Sometimes, 30 to 60 days down the road will be a next court date, at which time we will present our evidence/our testimony as to whether they’ve got it cleaned up/abated; and then the judge will make a ruling. The letter you all got last week – that person is still paying off the tickets from the last time we had to deal with her. She did get it cleaned up.”

Council Member Griffith, “When I take out my trash, I keep it in my yard, or I throw it over the fence maybe a day or two. They (the trash cans) are unsightly. What are our regulations on trash?” Chief Jones, “Basically, it says something that is disagreeable, has foul odor, is a nuisance, or is detrimental or a blight to the neighborhood.” Council Member Griffith, “So, it’s kind of a personal thing.” Chief Jones, “The other issue with that one – enforcing nuisances – is one of those added ‘duties as assigned’ for the Police Department; so enforcing nuisance property like their trash piling up on the back porch or something like that does not have the same priority as going to help with traffic control at a day care center – which we had last week. Nuisances like that are lower down on the calls, so when we get to it we get to it.”

Mayor Merry asked if there was any way Council can add teeth to help. Chief Jones replied, “Without substantial changes to the City Code, which still has to follow State law, I’m not sure there are any more teeth we could add to it. Probably one of the biggest issues I deal with when it comes to nuisances is the calendar, because when it comes January 1st, everything that is past is past, and I have to start all over again. But again, that also follows what State law says on what cities can and can’t do on junk vehicles and nuisance properties and such as that.” Mayor Merry asked if there have been any updates on nuisance properties? Maybe we ought to have Tom look into it.” Chief Jones, “Bill Scott and I went to a nuisance property abatement course probably six years ago; and I’ve not seen anything come through that there’s been any changes. Of course, some of that would need to be Kansas Legislative changes, and they’ve got full plates on completely different issues. This is not something the legislature even has on their horizon. I don’t know if under Home Rule we could increase or modify what we do locally – I’d have to do some research. My understandings from when Steve Smith was our city attorney, we are basically as far as we can go on this.”

Mayor Merry, “I get calls all the time about the misuse of R-1 (Residential-1 zoned areas), with a commercial business inside R-1. In R-1 or R-2 zoned properties, single-family housing.” Chief Jones, “You’re talking zoning? That’s him (Zoning Clerk Hugunin).” Mayor Merry, “It’s a nuisance to the neighborhood that you have a commercial operation operating in an R-1 or R-2 area. That could be tightened up a little bit because somebody spends \$250,000 for a house and then right across the street can be turned into a recycle center, I’d be upset, too.” Chief Jones, “I know who you are talking about. I have been dealing with him, as well.”

Council Member Rhodes, “In the letter there was some discussion about boxes being built five feet versus three feet away from the house. Are those boxes to put the garbage in?” Mayor Merry said she was talking about storage sheds for one of them – five foot off the alley and five feet off the property line, unless it’s on the corner lot. That might be right.” Chief Jones said, “There’s a privacy fence that’s actually on her side of the property line. There was a metal storage building there that has been removed. I don’t know if they’ve actually got a new permit to put a different storage building up or not.” Zoning Clerk Hugunin, “They came down and we were talking about a fence permit the last time I heard from them.”

Mayor Merry, speaking to Chief Jones and Zoning Clerk Hugunin, said, “I’d like you two to get together with Tom (City Attorney) and see if there are any more teeth we can put in this. Maybe just talking about it will be enough to bring something around. I think there are some issues there. We are cleaning up?” Chief Jones, “The factual statements in her letter, I don’t disagree with. Her wants are what I would have issue with – we can’t do that.”

Trimming Limbs over sidewalks: Council Member Griffith asked, “What is that about trees hanging over in the sidewalk? This is minor, but could you take clippers with you and cut those?” Chief Jones, “Technically, if they’re hanging over the sidewalk, they’re in the city right-of-way. Kevin deals with that all the time.” Mayor Merry said he takes his clippers over to the school because he’s tired of hitting his head on limbs because they never trim the trees; and they’ve never thrown him in jail.

PERMITS: Zoning permits issued by Zoning Clerk Hugunin: NONE

[9] CONTINUATION: February 19, 2014 Burlington City Council Meeting

LEGAL DEPARTMENT: Update

RWD #2 Contract –update: City Attorney Robrahn said “Dennis Roth said he had a good discussion with you folks last month and you hopefully got a good update on the Rural Water District #2 contract.

Mayor Merry commented, “I think on the water contract we will need to go back and sit down with their attorney and have them quit dictating to us how to sell water.” Attorney Robrahn said, “Right. He’s (Attorney Roth) is telling me there are a couple of options he’s going to take.” Mayor Merry, “Danny (Water Superintendent) and our Water Committee are trying to get a uniform agreement where we’re doing the same thing for New Strawn, LeRoy, Gridley, and the Rural Water Districts. That’s where we want to end up; and I think that’s the point he’s trying to get across. I think he will be successful in this.”

Diversion Agreement Policy: Attorney Robrahn reported, “I reviewed a written diversion agreement policy today that Phillip Wright (Attorney) has been working on this week.

CITY CLERK’S OFFICE: Update

General: City Hall Staff have been busy with customers paying utility billing, handling calls and inquiries, handling work orders, preparing meeting minutes, reports, vouchers for paying bills, and payroll.

City/County Funds: City Clerk Kewley reported City of Burlington has received the City/County Grant money for the Street Infrastructure and Parks & Recreation. She is preparing a report and a letter for each fund to let the County Commissioners know how we expensed the money for 2013 and what we are planning to for 2014.

KMU Day at the Capitol: City Clerk Kewley and Superintendents Schneider and Hawkins attended the KMU Day at the Capitol on Wednesday, January 22.

Bid Opening: City Clerk Kewley attended the bid opening for the Water/Wastewater Department equipment.

LEPC – Storm Preparations: City Clerk Kewley attended a Local Emergency Planning meeting on Monday, February 3rd which dealt with the snow storm.

IRIS: City Clerk reported, “As you noticed, this month we put fliers in with the utility bills to encourage customers to sign up for the Immediate Response Information System (IRIS) through Emergency Management. We will continue to inform the community.”

Trash Pickup Storm Schedule: Due to the snow storm, Republic Waste has informed us they will not be picking up trash on Tuesday and Wednesday this week – trash for those two days will not be picked up until the regular day next week. They did pick trash up on this Monday before the storm hit, and will resume pickup tomorrow for Thursday and Friday. People are asked that if their trash is usually picked up in the alley, to take it to the end of the alley because they do not want to go into the alleys right now. Regular trash pickup schedule will resume next week. That information is also on our Facebook and Web pages.

Goals & Accomplishments: The 2014 Goals and 2013 Accomplishments will be ready next Council meeting.

Employee Benefits Meeting: Tuesday, February 11 is the date set for the City’s Annual Employee Benefits Meeting. It will be at Kelley Hall at 9:00 a.m.

REPORT BY CITY OFFICER: Police Department Building Study - update

Mayor Merry said, “We had talked about a new building for the Police Department and going after county community improvement funds. Mark (Pettersen?) and I talked at the Hospital Board meeting and it sounds like a lot of that money is going to be used in equipment and loaned to the hospital.”

FUTURE AGENDA ITEMS:

GENERAL City Debt – How to fund projects		GAAP – Infrastructure Capitalization /Actuaries – GASB-45	
City Code Re-codification		Electric Rate Study	
Service/Allied Waste Agreement Renewal		City Hall Computer & Server Update	
ELECTRIC DEPARTMENT: GIS system		Automatic Meter Infrastructure for Electric & Water (AMI)	
Emissions Standards Compliance/EPA			
PARKS DEPARTMENT: Fair Board’s new Building		UHCA Event in Kelley Park - October 2014 (Jim Ochs)	
Hazard Tree Removal		Kelley Park Rock Restroom – Refurbish update	
Spring Carnival & Demolition Derby-April (Fair Board)		City Dam West Wall Project (sidewalk/steps, etc.)	
LEGAL DEPARTMENT: RWD #2 Contract (New)			
PLANNING AND ZONING Quarterly Construction Valuation Report		Oak Park Solar Lighting Grant (Trusler Foundation)	
Comprehensive Development Plant – Update		Work w/Chief on Nuisance Structure regulations	
POLICE DEPARTMENT Nuisance Updates		Personnel – Training Updates	
Personnel – Officer Vacancy		New PD Building- Update	
STREET DEPARTMENT: 2013 Asphalt Project		Sidewalk for Mike Abendroth (2 blocks)	
Sidewalk Replacement Repairs on City Rights-of-Way		Pavement Management System/Asset Management System	
Street Department Storm Sewer Project & Rebuild of S. 10 th St.		Street Sweeper – Repair	
Heather Street – Concrete Panels		Rebuild/Repair Kennedy Street and 14 th Street	
WATER & WASTEWATER DEPARTMENT: Sewer Improvement Project--Lift Station Replacements			
Neosho Riverbank Stabilization	Southwest Sewer Project	Water Pressure Study	Truck/Sewer Machine/Backhoe-update
Water Plant Improvements--Efficiency	Waterline Replacement Project	Water Tower Repair (East)	SCADA System
10 th & Housatonic Water Improvements-	John Redmond Reservoir – Dredging	Water/Wastewater Vacancy	

Mayor Merry declared the meeting adjourned. Approved by Council/Signed by Regina R. Kewley, City Clerk